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REMARKS

Claims 21, 22, 25 and 26 were objected to for certain informalities which have been corrected by the amendments to these claims. Claims 21-30 were rejected under 35 U.S.C. 112, second paragraph, as indefinite, and under 35 U.S.C. 101. The amendments to claims 21 and 25 more clearly define the distributed biofeedback system as a system apparatus and not as a process. Withdrawal of these rejections is therefore respectfully requested.

Claims 14-20 were rejected under 35 U.S.C. 102(e) as anticipated by U.S. patent application No. 2002/0021283 to Rosenberg, et al. ("Rosenberg"). The Rosenberg application is directed solely and exclusively to processing of force data, to provide tactile feedback. Rosenberg makes no mention of network-based biofeedback applications, which is the subject of this application. The cited paragraphs of the Rosenberg application, [099]-[0101]; [0216]-[0218] describe various embodiments of the force feedback system, which is completely different than the distributed biofeedback system defined by the claims. The transmission of force from one computer-connected device to another in association with a computer simulation is not a biofeedback or looped system. In Rosenberg, signals are transmitted to force-generating devices according to events in a simulation program, not in response to or solicitation of a human physical event. Once a force is transmitted to a person operating the device, there is no response signal processing or feedback. Any subsequent force transmission is determined solely by the computer-controlled simulation, not according to biofeedback received from a user. Computers determine the force feedback calculations and interactions without any data received from a player. See Rosenberg [0218]-[0219].

To provide a distributed (networked) biofeedback system, Applicants' invention employs a layered method that includes supervision and control, as well as a real-time control loop providing instantaneous response. This control loop is designated for use in biofeedback, employing classical conditioning, operant conditioning, and related methods, for purposes of learning and self-regulation.

Figure 2 of the application addresses the interaction between a Service Intermediary ("Provider") which has a specified role in the overall system control. This aspect is not taught or suggested by Rosenberg. In addition, the system specifies two

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interacting parties, being the Service Client ("Recipient") and the Service Professional ("Provider"). The invention as claimed specifies the interaction between these individuals. The intent is not to replicate a simple factor of force between them as Rosenberg suggests, but to mediate a complex series of operations that constitute the service provision.

Figure 3 further specifies an interaction with two designated stores of information, comprising the Local Database and the Remote Database. Rosenberg anticipates no such use of information, or its integration into the overall control plan.

Figure 4 further describes the interaction between all three controlling entities and specifies the location and type of processing. This level of process detail, and the resulting functionality, are not anticipated or described in any way by Rosenberg.

In particular, claim 15 directly claims a "distributed biofeedback system for managing a biofeedback session". Rosenberg does not teach or suggest any type of network function.

Claim 17 describes "remote output means for communicating data to a monitor at a remote location; remote input means for receiving input from the monitor at the remote location. Whereas Rosenberg describes a system that performs a similar function for force data, Rosenberg does not disclose the use of a biofeedback system with remote output means for communication at a remote location.

Claim 19 describes the situation in which "the secondary remote loop is spatially separate from the primary remote loop, the input of the secondary remote loop is connected to the input of the primary remote loop by the Internet, and the output of the secondary remote loop is connected to the output of the primary remote loop by the Internet. Rosenberg in no way describes this architecture and connectivity, and the associated networked interaction of processes and data.

Claim 20 describes the system as shown in Figure 4, comprising "a local database for storing and retrieving input and output data from the primary local loop and the secondary local loop; a remote database for storing and retrieving input and output data from the primary remote loop; a mediator database for storing and retrieving input and output data from the secondary remote loop. This configuration, which supports the distributed biofeedback capability, is not described or anticipated by Rosenberg.

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Rosenberg's Figure 4 and the description thereof is limited to processing one type of data, i.e. force data read from force sensors. There is no provision for reading in of physiological data of various types, of processing the data for purposes of biofeedback, or of presenting data in visual, auditory, vibro-tactile, or other forms suitable for feedback training.

Because the Rosenberg application has no application or relevance to the distributed biofeedback system as defined by the claims, withdrawal of the rejection under 35 U.S.C. 102(e) is respectfully requested.

If there are any other fees necessitated by the foregoing communication, please charge such fees to our **Deposit Account No. 50-0959**, referencing our Docket No. 109783.0001.

Respectfully submitted,
ROETZEL & ANDRESS

OCT. 5, 2005



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236060.1.109783.0001